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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.             | CONFIRMATION NO.       |
|--|-------------|----------------------|---------------------------------|------------------------|
| 10/756,775   | 06/14/2004  | Felix L. Sorkin      | 1101-175                        | 3115                   |
| 7590   |             | 09/04/2007           |                                 |                        |
| John S. Egbert<br>Harrison & Egbert<br>7th Floor<br>412 Main Street<br>Houston, TX 77002 |             |                      |                                 |                        |
|  |             |                      | EXAMINER<br>BARTOSIK, ANTHONY N |                        |
|  |             |                      | ART UNIT<br>3609                | PAPER NUMBER           |
|  |             |                      | MAIL DATE<br>09/04/2007         | DELIVERY MODE<br>PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/756,775

Applicant(s)

SORKIN, FELIX L.

Examiner

Anthony N. Bartosik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on January 13, 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9 is/are allowed.
- 6) ☒ Claim(s) 10-15 and 17-20 is/are rejected.
- 7) ☐ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on January 13, 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date May 7, 2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "64" has been used to designate both "flanged portion" and "flanged end." Additionally, reference character "94" has been used to designate both "end" and "surface." Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The disclosure is objected to because of the following informalities: Line 3 on page 11 contains the phrase "An elastomeric seal 82 is positioned within a grooves formed on." It appears that "a" is a typographical error.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 1 recites the limitation "anchor members" in the 3<sup>rd</sup> line. There is insufficient antecedent basis for the plural limitation "anchor members."

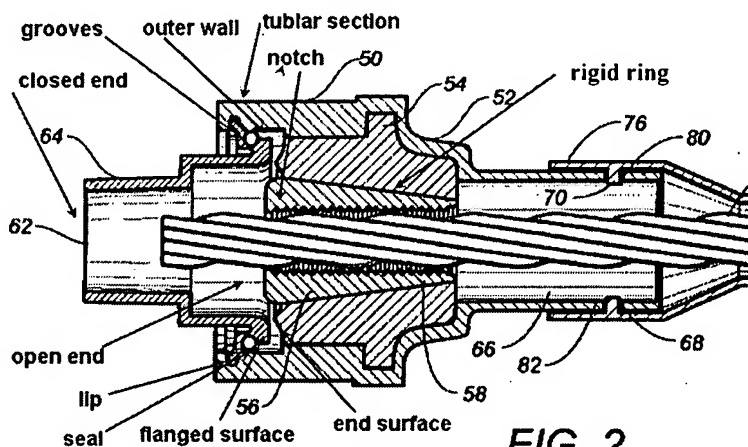
***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 10, 12-15, and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Sorkin (US 6,381,912 B1).



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7. In Re claim 10, Figure 2 (See modified Figure 2 above) of Sorkin discloses a tubular body having an open end and a closed end; and a flanged surface extending radially outwardly of said tubular body at said open end, said flanged surface having an end surface and an outer wall extending outwardly therefrom, said outer wall having a lip formed at an end of said outer wall opposite said end surface, said lip projecting radially outwardly from said outer wall.

8. In Re claim 12, Figure 2 of Sorkin discloses a lip having a generally flat surface at an outer edge thereof.

9. In Re claim 13, Figure 2 of Sorkin discloses an outer wall being deformable so as to allow said lip to fit through an opening having a diameter narrower than a diameter of an outer periphery of said lip.

10. In Re claim 14, Figure 2 (See modified Figure 2 above) of Sorkin discloses an anchor member (54) having an end surface; a polymeric encapsulation covering (Column 4 Lines 1-17) said anchor member (54), said polymeric encapsulation having a tubular section extending outwardly of said end surface; a rigid ring affixed within said tubular section, said rigid ring having a notch formed on an inner wall thereof.

11. In Re claim 15, Figure 2 of Sorkin discloses a rigid ring being of a steel material.

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12. In Re claim 17, modified Figure 2 of Sorkin discloses a notch comprising a first notch formed around said inner wall of said rigid ring adjacent an end of rigid ring opposite said end surface of said anchor member.

13. In Re claim 18, modified Figure 2 of Sorkin discloses a notch further comprising a second notch formed around said inner wall of said rigid ring adjacent an opposite end of said rigid ring, said second notch being in spaced parallel relationship to said first notch. Examiner is considering the second notch to be one of the many other indentions on what has been labeled the rigid ring in the figure above.

14. In Re claim 19, modified Figure 2 of Sorkin discloses a rigid ring having a tapered surface at an end thereof adjacent an end of said tubular section of said polymeric encapsulation opposite said end surface of said anchor member.

15. In Re claim 20, modified Figure 2 of Sorkin discloses a tendon (74) affixed to said anchor member (54), said tendon (74) having an end extending outwardly of said end surface of said anchor member (54).

***Claim Rejections - 35 USC § 103***

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claim 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Sorkin (US 6,381,912 B1) (hereafter "Sorkin '912") in view of Sorkin (US 6,023,894) (hereafter "Sorkin '894"). Figure 2 of Sorkin '912 teaches the claimed invention except for the seal being elastomeric. Column 5 Lines 2-31 of Sorkin '894 teaches the use of an elastomeric seal to establish a liquid tight seal between the cap and the tubular section. It would have been obvious to one skilled in the art at the time of the invention to make the seal of Sorkin '912 with a elastomeric material as taught by Sorkin '894 in order to establish a liquid tight seal between the cap and the tubular section.

#### ***Allowable Subject Matter***

18. Claims 1-9 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

19. Claim 16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

Prior art made of record but not relied upon is considered pertinent to applicant's disclosure. Sorkin (US 6,381,912), (US 6,817,148), (US 5,839,235). Any inquiry concerning this communication or earlier communications from the examiner should be

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directed to Anthony N. Bartosik whose telephone number is 2723600. The examiner can normally be reached on M-F 7:30-5:00; Alter Fri Off E.D.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Batson Victor can be reached on 571-272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Victor Batson  
Supervisory Patent Examiner  
Art Unit 3600

AB  
8/2007